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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/565,468	01/19/2006	Qingliang Liu	80170-1010	8096
24504 7590 06/08/2009 THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP 600 GALLERIA PARKWAY, S.E. STE 1500 ATLANTA, GA 30339-5994			EXAMINER NGUYEN, BRIAN D	
			ART UNIT 2416	PAPER NUMBER
			MAIL DATE 06/08/2009	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/565,468	<b>Applicant(s)</b> LIU ET AL.	
	<b>Examiner</b> BRIAN D. NGUYEN	<b>Art Unit</b> 2416	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 January 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>2/25/09; 4/29/09</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Drawings***

1. Figure 3, it is suggested to replace “abstraction” with “extraction”.

### ***Claim Objections***

2. Claims 6-9 are objected to because of the following informalities:

Claim 6, line 4, it is suggested to replace “abstraction” with “extraction”.

Claim 9, line 8, it is suggested to insert “the” before “CPU”.

### ***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 1-5 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The method claims are not tied to a particular apparatus.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Art Unit: 2416

6. Claims 1-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Feinberg et al (2004/0001579).

Regarding claim 1, Feinberg discloses a method for realizing dynamic adjustment of data bandwidth in transmission equipment (paragraph 0019), comprising adding a control channel (see signaling in paragraphs 0279, 0289, 0290, 0424) in a trunk link of the transmission equipment for describing occupancy on time slots by a current service (paragraph 0095).

Regarding claim 2, Feinberg discloses the control channel implements dynamic distribution on time slots in PCM line under control of CPU (see, for example, paragraphs 0081, 0372).

Regarding claim 3, Feinberg discloses the dynamic distribution on time slots is controlled by channel control words written in the control channel, and the control channel comprises one or more time slots (paragraphs 0279, 0289, 0290, 0424).

Regarding claim 4, Feinberg discloses the current service comprises voice service and data service (abstract).

Regarding claim 5, Feinberg discloses the method is applied in peer networking (paragraph 0241).

Regarding claim 6, Feinberg discloses a device for realizing dynamic adjustment of data bandwidth in transmission equipment, comprising: a control word process circuit, a time slot distribution circuit and a CPU interface circuit, wherein the control word process circuit is designed to complete abstraction and insertion of control information in control channel of E1/T1 link; the time slot distribution circuit is designed to complete separating voice time slots from

Art Unit: 2416

Ethernet data time slots, and rebuilding data; the CPU interface circuit implements controlling on time slot distribution (see paragraphs 0019, 0081, 0279, 0289, 0290, 0424 and figures 3, 3A, 4).

Regarding claim 7, Feinberg discloses High Level Data Link Control (HDLC), Media Access Control (MAC) frame process circuit to implement processing HDLC link for Ethernet data, checking integrity of MAC frame, comparing and learning MAC addresses (paragraphs 0070, 0099, 0292).

Regarding claim 8, Feinberg discloses the time slot dynamic distribution circuit is controlled by channel control words written in a control channel, and the control channel comprises one or more time slots (paragraphs 0279, 0289, 0290, 0424).

Regarding claim 9, Feinberg discloses a method for realizing dynamic adjustment of data bandwidth in transmission equipment, comprising: informing a time slot distribution circuit by CPU of time slots to be occupied by a voice service as voice call begins when a current service is multiplexed to a direction of E1/T1 link; releasing the time slots from data service by the time slot distribution circuit; and distributing to the voice service; informing the time slot distribution circuit by CPU of the time slot having been released by the voice service after voice call finishes; and distributing the time slots to Ethernet data service by the time slot distribution circuit, whereby dynamic adjustment of Ethernet data service is implemented (see dynamic allocation and re-allocation of bandwidth for voice and data communications in paragraphs 0019, 0081, 0279, 0289, 0290, 0424 and figures 3, 3A, 4).

### ***Response to Arguments***

Art Unit: 2416

7. Applicant's arguments with respect to claims 1-9 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRIAN D. NGUYEN whose telephone number is (571)272-3084. The examiner can normally be reached on 7:30-6:00 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (571) 272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

6/4/09

/Brian D Nguyen/

Primary Examiner, Art Unit 2416